REMARKS

This Response is submitted in answer to the Office Action dated February 12, 2008, and pursuant to a telephonic conference between Examiner and Applicant's representative on April 30, 2008. Applicant thanks the Examiner for the courtesy extended during the telephonic conference. Moreover, Applicant appreciates the thorough review of the present application as reflected in the Office Action. Applicant has carefully examined the cited references and respectfully traverses the claim rejections as applied to pending Claims 1-20 at least for the following reasons set forth below.

Status of the Claims:

Claims 1-4, 8-13, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,937,743 to Rassman et al. (hereinafter *Rassman*) in view of U.S. Patent No. 7,047,292 to Stewart et al. (hereinafter *Stewart*). Claims 1, 4-7, and 13-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,367,670 to Ward et al. (hereinafter *Ward*) in view of *Stewart*. In response, independent claims 1, 13, and 18, as well as dependent claims 2-12, 16-17 and 19 have been amended. No new matter has been added.

Amended Independent Claims 1, 13, and 18 are Not Obvious by *Rassman* in View of *Stewart*:

Claim 1 recites a method of selecting among a plurality of alert conditions for processing with a resource management system. The method includes associating a priority indication with at least some physical resources in a computer system, identifying the physical resources associated with the plurality of alert conditions, and selecting an alert condition from among the plurality of alert conditions based on the priority indication associated with the identified physical resources.

As explained on page 5 at lines 10-22 of the present application specification, when significant power outages occur in a computer system, alert conditions can be received into a wait queue of a resource management system at a much higher rate than can be processed thereby. By associating priority indications with resources in a computer system, identifying resources associated with the alert conditions, and selecting an alert condition from among the alert conditions based on the priority indication of the identified resource, some embodiments of Claim 1 may be able to

timely identify failure of a critical resource whose alert condition is buried deep within a queue below other alert conditions that are associated with lesser priority resources. Such timely identification of the alert condition may enable a satisfactory response to the failed critical resource.

The Office Action contends in section 7 that Claim 1 is obvious in view of the combination of col. 1, lines 6-12 and col. 3, lines 2-11 of *Rassman*, and col. 2, lines 1-28 and col. 1, lines 60-67 of *Stewart*, which are repeated below:

> The invention relates to a method for managing resources and particularly to the method and system for the prospective scheduling and real time dynamic management of a plurality of interdependent and interrelated resources using a computer system for communicating information. (*Rassman*, col. 1, lines 6-12)

> "Scheduling indicia" may be used to indicate utilization (historical and/or prospective) of resources, "status indicia" may be employed to reflect current status of events and "conflict indicia" may be used to alert operators to scheduling conflicts. In one of its preferred configurations, the invention contemplates providing access to a data base to permit continuous updating of the information stored therein so that when resource utilization is displayed it reflects the most recent data in the data base. (*Rassman*, col. 3, lines 2-11)

> The present invention relates to prioritizing network management requests sent by a management station to a managed element. A priority value is assigned to the network management request and the network management request is scheduled by the managed element dependent on the assigned priority value.
> The priority value may be assigned to the network management request by the managed element. The managed element assigns the priority value by adding a priority value to an authentication group, including user identification values in an authentication table or by adding a priority value to a source identification in a source identification table. The network management request is scheduled by the managed element by extracting the user or source identification values from the network management request and using the extracted identification to index the corresponding table.
> The priority value may be assigned by the management station. The management station assigns a priority value to each network management request before sending the network management request to the managed element. The priority value is extracted by the network management element and the managed element schedules the network management request dependent on the extracted priority value. (*Stewart*, col. 2, lines 1-28)

> The number of requests for information from managed objects in the managed element directly affects the performance of the managed element. While the managed element is providing requested information from the managed object, data transfer through the managed element is reduced.
> Therefore, what is needed is a method for prioritizing requests from computer network management applications. (*Stewart*, col. 1, lines 60-67)

Rassman describes a computer system that manages and schedules resources, namely operating rooms, doctors, and associated equipment. The computer system alerts an operator, using various scheduling and status indicia, when there are scheduling conflicts between scheduled events that seek to impermissibly use the same resource (i.e., surgery scheduled during overlapping times for the same operating room).

Stewart describes network management applications in a network management station that manage and control managed elements connected to the computer network through the use of continuous network management requests for information. In this regard, the network management application requests information from managed objects. The information from the managed objects is stored in the managed element's Managed Information Base (MIB). Before the network management requests for information are sent to the managed element, the network management requests for information are prioritized by: the network management station or the managed element itself. This prioritization of requests for information attempts to address the problem that occurs when the number of requests for information diminishes the managed element's ability to quickly respond to such requests.

However, in neither the cited sections nor elsewhere does *Rassman*, *Stewart*, or their combination describe or suggest that a priority indication is associated with any of the physical resources themselves. Moreover, neither *Rassman* nor *Stewart* describe or suggest that an alert condition is selected among a plurality of alert conditions based on priority indications for physical resources associated with the alert conditions. Indeed, by Examiner's own admission on page 5, section 7 of the Office Action, "...*Rassman* does not expressly disclose prioritization of resources." For this reason, Examiner has cited *Stewart* to make up for the deficiencies present in *Rassman*. However, *Stewart* fails to teach that a priority indication is associated with managed physical resources. Instead, the system taught by *Stewart* teaches only that requests for information are prioritized. Such message requests for information are not physical in nature (*see Stewart*, col. 2, lines 3-27). Moreover, the prioritization of requests in *Stewart* involve requests for information that that are received by the managed element. In contrast, Applicant's invention teaches the prioritization of physical resources which are associated with alert conditions that are received and selected by the resource management system.

Independent claims 13 and 18 contains similar recitations to claim 1, and are patentable over the combination of *Rassman* and *Stewart* for at least the reasons explained for claim 1. Reconsideration and allowance of independent claims 1, 13, and 18 are respectfully requested.

Amended Independent Claims 1, 13, and 18 are Not Obvious by *Ward* in View of *Stewart*:

The Office Action contends on page 16, section 8 that independent claims 1, 13, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ward*, in view of *Stewart*. By Examiner's own acknowledgement, *Ward* (like *Rassman*) also fails to teach or suggest that a priority indication is associated with any of the system components:

> "While Ward discloses a method of selecting among a plurality of alert conditions for processing with a resource management system comprising identifying resources associated with the alert conditions and basing alert conditions upon innately monitored and processed object, Ward does not expressly disclose these objects involve prioritization of resources." (pages 16-17 of Office Action).

Moreover, for the same reasons stated above, *Stewart* fails to teach (i) associating a priority indication with at least some physical resources in a computer system, and (ii) selecting an alert condition from among the plurality of alert conditions based on the priority indication associated with identified physical resources.
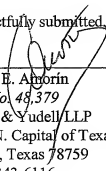
Applicant further submits that dependent claims 4-7, 14-17, and 19-20 are allowable at least on the basis of their dependence upon an allowable base claim.

CONCLUSION

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if Examiner believes that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and allowance of the pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to IBM CORPORATION DEPOSIT ACCOUNT NO. **09-0461**.

Respectfully submitted,

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